

Message Text

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PAGE 01 PORT A 00996 211631Z
ACTION ARA-10

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FM AMEMBASSY PORT AU PRINCE
TO SECSTATE WASHDC 4382

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EO 11652 N/A
TAGS: SHUM, SREF, HA
SUBJECT: HUMAN RIGHTS IN HAITI: CASE OF CELESSON INNOCENT

REF: STATE 054578

1. INNOCENT WAS ORIGINALLY DEPORTED FROM THE UNITED STATES ON NOVEMBER 8, 1974. FOLLOWING HIS SECOND ILLEGAL ENTRY INTO THE U.S. ON NOVEMBER 6, 1975, THE EMBASSY WAS QUERIED BY INS MIAMI ABOUT HIS IMPRISONMENT. IT WAS NOT UNTIL THE EMBASSY RECEIVED THIS INQUIRY ON NOVEMBER 14, 1975 THAT WE BECAME AWARE OF INNOCENT'S ORIGINAL DEPORTATION. WE CHECKED WITH THE HAITIAN POLICE AND WERE TOLD ON EXCELLENT AUTHORITY THAT HE HAD BEEN DETAINED FROM NOVEMBER 8, 1974 UNTIL DECEMBER 17, 1974 AS A PENALTY FOR VIOLATION OF HAITIAN EXIT REGULATIONS. WE GIVE LITTLE CREDENCE TO INNOCENT'S CLAIM THAT HE WAS IMPRISONED UNTIL JULY 1975 WHEN HE ESCAPED. WE KNOW OF NO ESCAPES FROM HAITIAN PRISONS IN RECENT YEARS WITH SINGLE EXCEPTION LAST MONTH OF TWO PRISONERS WHO ESCAPED WHILE UNDER GUARD IN THE CIVILIAN HOSPITAL.

2. SINCE BRIEF DETENTION FOR ILLEGAL EMIGRATION IS NOT CONSIDERED TO BE POLITICAL PERSECUTION UNDER INTERNATIONAL
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LAW, IT PROBABLY DID NOT OCCUR TO EMBASSY OFFICIALS TO MENTION INNOCENT'S CASE BY NAME TO HOUSE IMMIGRATION SUBCOMMITTEE STAFF MEMBERS DURING THEIR VISIT IN FEBRUARY 1976. THE COMMITTEE STAFF MUST CERTAINLY HAVE BEEN APPRISED, HOWEVER, BY EMBASSY AND BY HAITIAN GOVERNMENT OFFICIALS THAT RETURNEES WHO HAVE VIOLATED HAITIAN EXIT REGULATIONS ARE SUBJECT, AT THE DISCRETION OF THE HAITIAN AUTHORITIES,

TO THE IMPOSITION OF PRESCRIBED PENALTIES FOR SUCH VIOLATIONS WHICH CAN INVOLVE IMPRISONMENT FOR UP TO SIX MONTHS FOR THE FIRST OFFENSE. WHEN JUDICIARY COMMITTEE CHAIRMAN RODINO AND COMMITTEE COUNSEL CLINE MADE FOLLOW-UP VISIT IN DECEMBER 1976, THEY WERE INFORMED OF LEGAL SANCTIONS FOR ILLEGAL EMIGRATION BY GOH INTERIOR MINISTER, PIERRRE BIAMBY.

3. WE HAVE MADE NEW INQUIRIES, THROUGH DIFFERENT CHANNEL THAN THAT USED IN NOVEMBER 1975, REGARDING INNOCENT'S IMPRISONMENT. WHEN WE RECEIVE RESPONSE, WHICH MAY TAKE SOME TIME, WE WILL INFORM DEPARTMENT.

4. REGARDLESS OF TRUTH OF INNOCENT'S ALLEGATIONS OF PROLONGED IMPRISONMENT, EMBASSY BELIEVES IT WOULD BE UNWISE TO DEPORT HIM A SECOND TIME. HE NOT ONLY WOULD BE SUBJECT TO SECOND OFFENDER PENALTIES FOR ILLEGAL EMIGRATION BUT WOULD BE VIEWED WITH CONSIDERABLE SUSPICION BECAUSE OF HIS SOJOURN IN CUBA. GOH IS CONVINCED THAT CUBA IS TRAINING HAITIAN NATIONALS FOR CLANDESTINE SUBVERSIVE ACTIONS AGAINST HAITI. HEAD OF GOH SECURITY SERVICE RECENTLY TOLD EMBOFF THAT MANY OF THESE INDIVIDUALS WERE BEING SMUGGLED INTO THE U.S. TO BE RETURNED TO HAITI AS DEPORTEES. THUS IF INNOCENT WERE RETURNED TO HAITI, THE ODDS ARE HIGH HE WOULD BE IMPRISONED FOR A CONSIDERABLE TIME.
ISHAM

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